



DAQ#
#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit:2876

CLAYTON P. SPITZ et al.

Examiner: NOT ASSIGNED

Serial No.: 09/804,674

Filed: March 12, 2001

For: **PURCHASING CARD TRANSACTION RISK MODEL**

Attorney Docket No.: FDC 0150 PUS

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SEP 05 2001
OFFICE OF PETITIONS

**PETITION FOR FILING PATENT
APPLICATION UNDER 37 C.F.R. § 1.47(a)**

Attention: Box MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The above-identified patent application was filed on March 12, 2001 without an executed Oath or Declaration. Subsequently, a Declaration was prepared listing Clayton P. Spitz, Todd M. Anderson, Thomas F. Latham, David C. Guerin and Ernest J. Arbour, Jr. as co-inventors. All of the co-inventors, except Mr. Guerin, have executed the Declaration.

An Affidavit is attached hereto providing proof of the pertinent facts concerning the refusal of Mr. Guerin to sign the Declaration. The last known address for Mr. Guerin is 13002 Brayton Court, Houston, Texas 77065.

09/05/2001 AWONDAF1 00000012 09804674

05 FC:122

130.00 OP

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Attention: Box MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

August 29, 2001
Date of Deposit


Mark E. Stuenkel
Name of Person Signing


Signature

The required fee of \$130.00 pursuant to 37 C.F.R. § 1.17(h) is enclosed
herewith.

Respectfully submitted,

CLAYTON P. SPITZ et al.

By: 
MARK E. STUENKEL
Reg. No. 44,364
Attorney/Agent for Applicants

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OFFICE OF PETITIONS

Date: August 29, 2001

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CLAYTON P. SPITZ et al.

Serial No.: 09/804,674

Filed: March 12, 2001

For: **PURCHASING CARD TRANSACTION RISK MODEL**

Attorney Docket No.: FDC 0150 PUS

Group Art Unit:2876

Examiner: NOT ASSIGNED

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AFFIDAVIT OF MARK E. STUENKEL

Attention: Box MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

MARK E. STUENKEL, being duly sworn, and having personal knowledge of the facts set forth herein, hereby deposes and says that:

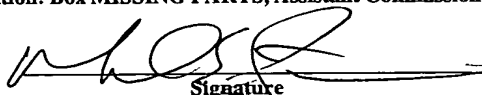
1. I am the legal representative of Applicants for the above-identified patent application.
2. Clayton P. Spitz, Todd M. Anderson, Thomas F. Latham, David C. Guerin and Ernest J. Arbour, Jr. are listed as co-inventors of the invention disclosed in the patent application.
3. Prior to the patent application being completed and ready for execution, Mr. Guerin left the employ of TeleCheck Services, Inc.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Attention: Box MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

August 29, 2001
Date of Deposit

Mark E. Stuenkel
Name of Person Signing


Signature

4. The patent application was filed on March 12, 2001 without an Oath or Declaration from any of the co-inventors.

5. All of the co-inventors, except Mr. Guerin, have executed a Declaration for the patent application.

6. I mailed a first patent application package with a cover letter, a copy of the patent application, and a copy of a Declaration to Mr. Guerin on June 13, 2001.

7. I mailed the first patent application package to Mr. Guerin's last known mailing address, which is 13002 Brayton Court, Houston, Texas 77065.

8. A copy of the cover letter sent with the first patent application package is enclosed herewith as Exhibit A.

9. On June 25, 2001, I received a letter from Mr. Guerin's attorney, Charles M. Kester.

10. A copy of the letter from Mr. Kester is enclosed herewith as Exhibit B.

11. On August 3, 2001, I mailed a second patent application package with a cover letter, a copy of the patent application and a Declaration to Mr. Kester via certified mail — return receipt requested.

12. A copy of the cover letter sent with the second patent application package is enclosed herewith as Exhibit C.

13. On August 9, 2001, I received a return receipt acknowledging delivery of the second patent application package to Mr. Kester's address.

14. A copy of the return receipt for Mr. Kester is enclosed herewith as Exhibit D.

15. On August 3, 2001, I also sent a copy of the second patent application package to Mr. Guerin via certified mail — return receipt requested.

16. On August 16, 2001, I received a return receipt acknowledging delivery of the second patent application package to Mr. Guerin's address.

17. A copy of the return receipt for Mr. Guerin is enclosed herewith as Exhibit E.

18. The cover letter sent with the second patent application package states that "If we do not receive the executed Declaration on or before August 24, 2001, or have not been made aware of an intention of Mr. Guerin to cooperate in the patent prosecution process, we will assume that Mr. Guerin refuses to sign the Declaration."

19. As of August 29, 2001, I have not received an executed Declaration from Mr. Guerin, nor have I been made aware of an intention of Mr. Guerin to cooperate in the patent prosecution process.

FURTHER AFFIANT SAYETH NAUGHT.



MARK E. STUENKEL
Registration No. 44,364
Attorney for the Applicants

S/N: 09/135.347

Atty Dkt No. FDC 0110 PUS

State of Michigan)

County of OAKLAND)

Subscribed and sworn to
before me this 29th day of
August, 2001



Notary Public

My Commission Expires:

5/17/2003

CATHERINE E JONES
Notary Public, Oakland County, MI
My Commission Expires May 17, 2003

BROOKS & KUSHMAN P.C.

Law Offices

Intellectual Property and Technology Related Causes

Ernie L. Brooks
James A. Kushman
David R. Syrowik
Mark A. Cantor
Ralph M. Burton
Robert C. J. Tuttle
Earl J. LaFontaine
Ronald M. Nabozny
Thomas A. Lewry

John E. Nemazi
Kevin J. Heini
William G. Abbott
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Frank A. Angileri

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George R. Mosher
Frederick M. Ritchie
John M. Sheridan
Elizabeth F. Janda
Robert C. Brandenburg
A. Frank Duke

James R. Ignatowski
Konstantine J. Diamond
David S. Bir
James N. Kallis
Hugo A. Delevie
Ralph E. Smith
Mark E. Stuenkel
Michael S. Brodbine
Seth E. Rodack

Pete N. Kiousis
James W. Proscia
Ginta D. Kukainis
Lawrence G. Almeda
Philip Abromats
Thomas W. Cunningham
John S. LeRoy

Registered
Patent Agents

Mark D. Chuey, Ph.D.
Stephanie M. Mansfield, Ph.D.
Jeremy J. Curcuri
Robert C. Jones
Matthew R. Mowers
Matthew M. Jakubowski
Marc Lorelli

June 13, 2001

Mr. David C. Guerin
13002 Brayton Ct.
Houston, TX 77065

RECEIVED

SEP 05 2001

OFFICE OF PETITIONS

Re: U.S. Patent Application For:
PURCHASING CARD TRANSACTION RISK MODEL
FDC Title: Risk Turndown Based On Changeback Information
U.S. Serial No. 09/804,674; Filed: March 12, 2001
Our File: FDC 0150 PUS

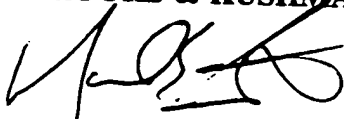
Dear David:

Enclosed is a copy of the above-identified patent application, as well as a Declaration and an Assignment. As you may recall, the terms and conditions of your employment with TeleCheck Services, Inc. require that you assign to TeleCheck Services, Inc. any interest in proprietary information you developed. Therefore, please execute the Declaration and Assignment where indicated, then forward these documents to me in the enclosed self-addressed, stamped envelope for filing in the U.S. Patent Office. Please note that the Assignment should be executed before a Notary Public.

Should you have any questions or concerns, please feel free to contact me. Thank you for your assistance in this matter.

Very truly yours,

BROOKS & KUSHMAN P.C.



Mark E. Stuenkel

MES:ds

Enclosures

cc: Mr. Kenneth Algiene (w/copies of enclosures)



1000 TOWN CENTER, TWENTY-SECOND FLOOR, SOUTHFIELD, MICHIGAN 48075
TELEPHONE (248) 358-4400, FACSIMILE (248) 358-3351

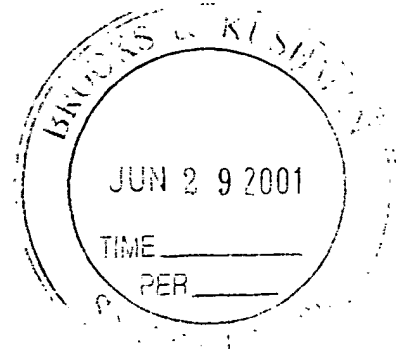
THE LAW OFFICES OF

CHARLES M. KESTER, P.L.C.

P.O. Box 184
1160 NORTH COLLEGE AVENUE, #1
FAYETTEVILLE, ARKANSAS 72702-0184
(501) 582-4600
(501) 631-4500
FAX (501) 571-1671

June 25, 2001

Mr. Mark E. Stuenkel
BROOKS & KUSHMAN, P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075



Re: Patent Application for Purchasing Card Transaction Risk Model
Your File: FDC 0150 PUS

RECEIVED

SEP 05 2001

Dear Mr. Stuenkel:

OFFICE OF PETITIONS

I am writing this letter in response to your letter dated June 13, 2001 in which you state that the "terms and conditions of [Mr. Guerin's] employment with Telecheck Services, Inc., require that [he] assign to Telecheck Services, Inc., any interest in proprietary information [he] developed." Mr. Guerin will be happy to comply with any obligations that he has under any valid agreement. However, in my review of the file and my discussions with Mr. Guerin, we have been unable to locate any such agreement. If you would provide me with a copy of the agreement to which you refer, we will be happy to take any required action. I look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in dark ink, appearing to be "C. M. Kester", written over a horizontal line.

Charles M. Kester

CMK/sb

Cc: Mr. David Guerin

Intellectual Property and Technology Related Causes

Ernie L. Brooks
James A. Kushman
David R. Syrowik
Mark A. Cantor
Ralph M. Burton
Robert C. J. Tuttle
Earl J. LaFontaine
Ronald M. Nabozny
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Lawrence G. Almeda
Philip Abromats
Thomas W. Cunningham
John S. LeRoy
Anessa Owen Kramer
Jeremy J. Curcuri
*Admitted in D.C. & M.D.

Registered Patent Agents
Mark D. Chuey, Ph.D.
Stephanie M. Mansfield, Ph.D.
Robert C. Jones
Matthew R. Mowers
Matthew M. Jakubowski
Marc Lorelli

August 3, 2001

Certified Mail
Return Receipt Requested

Mr. Charles M. Kester
Charles M. Kester, P.L.C.
P.O. Box 184
1160 North College Ave., #1
Fayetteville, Arkansas 72702-0184

Re: Patent Application for Purchasing Card Transaction Risk Model
Our File: FDC 0150 PUS

Dear Charles;

Thank you for your letter dated June 25, 2001. Please find enclosed copies of relevant portions of an Employee Handbook and a Policy and Benefit Summary, which each identify terms and conditions that were in effect during Mr. Guerin's employment with TeleCheck Services, Inc. ("TeleCheck"). Both the Employee Handbook and the Policy and Benefit Summary recite the following:

TeleCheck recognizes that employees conceive new ideas, methods, concepts, products or systems while on the job. All such ideas, improvements, inventions and discoveries that relate to TeleCheck products, services, systems or other aspects of the Company business, regardless of whether patented or copyrighted, are the property of TeleCheck.

Thus, the invention disclosed in the above-identified patent application is the property of TeleCheck.

Please find enclosed a copy of the patent application, as well as a Declaration and an Assignment. The application was filed with the U.S. Patent and Trademark Office (USPTO) on March 12, 2001. Please have Mr. Guerin review the application, Declaration and Assignment,



Mr. Charles M. Kester
August 3, 2001
Page 2

and then have Mr. Guerin execute the Declaration and Assignment where indicated (please note, the Assignment should be executed before a Notary Public). Please then return all of these documents to me in the enclosed self-addressed, stamped envelope so that I may proceed with the prosecution of the application.

If Mr. Guerin refuses to sign the Declaration, which identifies the inventors associated with the application, we will proceed with prosecution of the application before the USPTO by following the appropriate procedures set forth by the USPTO. If we do not receive the executed Declaration on or before August 24, 2001, or have not been made aware of an intention of Mr. Guerin to cooperate in the patent prosecution process, we will assume that Mr. Guerin refuses to sign the Declaration.

Should you have any questions, please feel free to contact me.

Very truly yours,

BROOKS & KUSHMAN P.C.



Mark E. Stuenkel

MES/kd
Enclosures

cc: David Guerin (w/encs.) — *Via Certified Mail*
Kenneth Algiene (w/o encs.)
Clayton Spitz (w/o encs.)

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

D. Guerin 8/3/01

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No., or PO Box No.

City, State, ZIP+4

Form 3800, July 1999

See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

C. Kester 8/3/01

Postage

\$

Certified Fee

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(Endorsement Required)

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Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No., or PO Box No.

City, State, ZIP+4

Form 3800, July 1999

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. David Guerin
13002 Brayton Ct.
Houston, TX 77065

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

8-11-01

C. Signature

x *Kelli Guerin*☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Charles M. Kester
Charles Kester P.L.C.
1160 North College Ave. #1
Fayetteville, Arkansas 72701



2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please print clearly) B. Date of Delivery

C. Signature ☒ Agent
☒ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

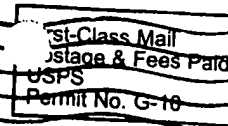
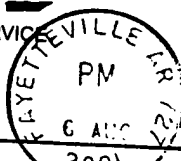
PS Form 3811, July 1999

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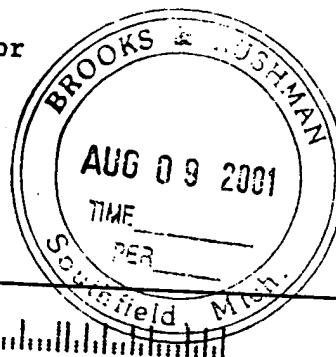
UNITED STATES POSTAL SERVICE



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Mr. Mark Stuenkel
Brooks & Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075

(FDC0150PUS)

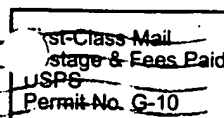
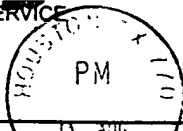


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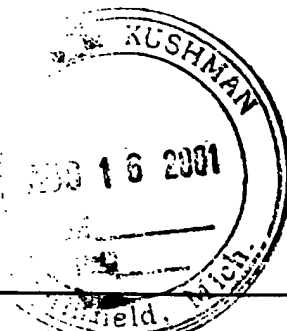
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Mr. Mark Stuenkel
Brooks & Kushman P.C.
1000 Town Center, 22nd Floor
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